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SIPDIS

SENSITIVE

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SUBJECT: "INDEPENDENT" NATIONAL ELECTORAL COMMISSION

PROPOSES LEGAL CHANGES

REF: ABUJA 1468

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¶1. (SBU) In August, the ruling PDP rammed 10 new Commissioners through the Senate despite a walkout by all of the opposition, and even some members from the ruling PDP, who complained the new majority among the 12 Commissioners would be partisans of the President (Ref A). The complaints fell on deaf ears; PDP Senators confirmed the nomination without debate and the President swore in his new Commissioners within 48 hours of submitting their names to the Senate. INEC Chairman Guobadia did not resign at this challenge to the "I" in INEC's name, and he is not one of the Commissioners.

¶2. (SBU) Earlier this month, Commissioner Maurice Iwu presented a paper -- he said on behalf of all the INEC Commissioners -- at a UN panel on election administration calling for several changes in the Election Law and possibly the Constitution. On the face of it, two of the four changes are not controversial:

-- giving INEC investigative capacity to implement the mandate it already has to monitor political parties' compliance with financial regulations; and

-- limiting changes in candidates at the last minute before elections.

Two other proposed legal changes were instantly controversial, to give the now allegedly partisan Commissioners new legal powers:

-- "to sanction erring political parties, including de-registration;" and

-- to ensure that INEC Returning Officers, "whose loyalty is questionable," should not override or supercede the INEC Commissioners in conducting elections - a case, the reported INEC proposal said, "of a hired servant having more powers than the master."

¶3. (SBU) INEC's staff is working on legal change proposals too, and they probably differ from the latter two in only allowing INEC to de-register parties it believes are essentially defunct, and eliminating two middle layers of Returning Officers between the voting site Returning Officer and Constituency or State Returning Officers.

¶4. (SBU) Echoing language from Commissioner Iwu's presentation, INEC Chairman Guobadia has written to the leadership of the National Assembly and the chairmen of the political parties of INEC's intention to present legislation to the National Assembly for changing the Election Law. Guobadia asked the chairmen to meet with him November 27 to discuss the issue.

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